

## MINUTES OF THE CITY COUNCIL

**SAN JOSÉ, CALIFORNIA**

**TUESDAY, AUGUST 22, 2006**

The Council of the City of San José convened in regular session at 9:30 a.m. in the Mayor's Conference Room T1841, at City Hall.

Present: Council Members - Campos, Chavez, Chirco, LeZotte, Nguyen, Pyle, Reed, Williams, Yeager; Gonzales.

Absent: Council Members - Cortese. (Excused)

Upon motion unanimously adopted, Council recessed at 9:32 a.m. to a Closed Session in Room T1841, (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9 subsection (a) with respect to existing litigation to consider the case of: (1) Claim of Diaz; (2) Claim of Wiens; (3) West Hotel Partners, L.P. v. Agency, et al.; (4) Sytwu v. City of San José, et al.; (5) Bushell-McIntyre v. City of San José, et al.; (6) Preservation Action Council of San José v. City of San José, et al. (B) to confer with Legal Counsel pursuant to Government Code Section 54956.9, Subsection (b) with respect to anticipated litigation of significant exposure in one (1) matter. (C) to confer with Labor Negotiator pursuant to Government Code Section 54957.6, City Negotiator: City Manager designee Alex Gurza, and the following Employee Organizations: (1) San José Police Officers' Association; (2) International Association of Firefighters; (3) Municipal Employees Federation; (4) Confidential Employees Organization; (5) City Association of Management Personnel; (6) Association of Maintenance Supervisory Personnel; (7) Operating Engineers, Local 3; (8) International Brotherhood of Electrical Workers; (9) Association of Building and Mechanical and Electrical Inspectors; (10) Association of Engineers and Architects; (11) International Federation of Professional and Technical Employees, Local 21.

By unanimous consent, Council reconvened from the Closed Session and recessed at 11:30 a.m. and reconvened at 1:33 p.m. in the Council Chambers.

Present: Council Members - Campos, Chavez, Chirco, Cortese, LeZotte, Nguyen, Pyle, Reed, Williams, Yeager; Gonzales.

Absent: Council Members - None.

## INVOCATION

Building Respect Through Dance. (District 7)

## PLEDGE OF ALLEGIANCE

Mayor Gonzales led the Pledge of Allegiance.

## ORDERS OF THE DAY

Upon motion by Vice Mayor Chavez, seconded by Council Member Campos and carried unanimously, the Orders of the Day and the Amended Agenda were approved, with Item 7.1 to be heard last. (11-0.)

## CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Adrian Flores for his innovative and multi-faceted school dance program, “Building Respect Through Dance”, piloted at Andrew Hill High School, brings ballroom dance to San José youth. (Nguyen/Chavez/Chirco)  
(Rules Committee referral 8/16/06)**

Action: Mayor Gonzales, Vice Mayor Chavez and Council Members Nguyen and Chirco recognized and commended Mr. Adrian Flores for his innovative and multi-faceted school dance program, “Building Respect Through Dance” to the youth of the City of San José.

## CONSENT CALENDAR

Upon motion by Vice Mayor Chavez, seconded by Council Member Campos, and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (11-0.)

- 2.3 Public Hearing on the Historic Property Contract (California Mills Act) agreement between the City and the property owners for the preservation of the National Guard Armory (City Landmark No. HL88-047) on a 0.43 gross acre site, in the CG General Commercial Zoning District, located at/on the east side of North 2<sup>nd</sup> Street, approximately 250 feet northerly of St. James Street (240 N. 2<sup>nd</sup> Street) (Bel Aire Inv Inc.) CEQA: Exempt. (Planning, Building and Code Enforcement)  
MA06-001 - District 3  
(Deferred from 6/27/06 – Item 3.5)**

Action: Dropped.

**2.4 Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the Period May 16, 2006 through June 15, 2006.* (City Auditor)  
(Rules Committee referral 8/9/06)**

Documents Filed: Report of Activities and Findings for the period May 16 through June 15, 2006, from the office of the City Auditor.

Action: The report was accepted. (11-0.)

**2.5 Report on bids and award of contract for the construction project entitled, "San José/Santa Clara Water Pollution Control Plant, FY 1997/1998 Compressed Air Upgrade Project," to the low bidder, Air Perfection, Inc., in the amount of \$267,807; and approval of a contingency in the amount of \$27,000 for a total agreement amount not to exceed \$294,807. CEQA: Exempt, PP05-124. (Environmental Services)**

Action: Deferred to September 26, 2006.

**2.6 Report on bids and award the purchase of hazardous materials entry suits on behalf of various local agencies within Santa Clara County to the lowest responsive bidder, Bauer Compressor, Inc., for a total amount not to exceed \$116,002.87 using Urban Area Security Initiative grant funds. CEQA: Not a Project. (Finance)**

Documents Filed: Memorandum from Director of Finance Scott P. Johnson, dated August 2, 2006, recommending award of the purchase.

Action: The purchase was approved. (11-0.)

**2.7 Adoption of a resolution ordering the reorganization of territory designated as Story No. 55 which involves the annexation to the City of San José of 1.33 gross acres of land located at the northwest corner of South White Road and Story Road and adjacent to the City of San José annexations Capitol No. 5 and Hillview No. 11 and the detachment from County Lighting County Service, Central Fire Protection, Area No. 01 (Library Service) County Service and County Sanitation 2-3 Districts. CEQA: Resolution No. 65459. Council District 5. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Acting Director of Planning, Building and Code Enforcement Joseph Horwedel, dated August 2, 2006, recommending adoption of a resolution.

Action: [Resolution No. 73355](#), entitled: "A Resolution of the Council of the City of San José Ordering the Reorganization of Certain Uninhabited Territory Designated as Story No. 55 Subject to Liability for General Indebtedness of the City", was adopted. (11-0.)

- 2.8 Adoption of a resolution ordering the reorganization of territory designated as McKee No. 131 which involves the annexation to the City of San José of 2.10 gross acres of land located at the northeast corner of North Capitol Avenue and Grandview Drive and adjacent to the City of San José annexations McKee Nos. 97, 55-A. 9 and 129 and the detachment of the same from Central Fire Protection, Area No. 01 (Library Service) County Service Districts. CEQA: Mitigated Negative Declaration, File No. PDC05-064. Council District 4. (Planning, Building and Code Enforcement)**

Documents Filed: Memorandum from Acting Director of Planning, Building and Code Enforcement Joseph Horwedel, dated August 2, 2006, recommending adoption of a resolution.

Action: [Resolution No. 73356](#), entitled: “A Resolution of the Council of the City of San José Ordering the Reorganization of Certain Uninhabited Territory Designated as McKee No. 131 Subject to Liability for General Indebtedness of the City”, was adopted. (11-0.)

- 2.9 (a) Adoption of a resolution approving a standard form Non-Exclusive Multi-Site Telecommunication Antenna Installation and Property Use Agreement for use with telecommunication companies for a five year term with one five-year option and authorizing the City Manager to execute those agreements.**
- (b) Adoption of a resolution revising the rate schedule previously approved in Resolution No. 70538 adopted August 7, 2001, to include a standard rate schedule for the standard multi-site agreement with annual use fee increases of 4% or the annual increase of the Consumer Price Index, whichever is highest, and a 20% discount in rates for multiple sites.**
- CEQA: Exempt, File No. PP06-114. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated August 2, 2006, recommending adoption of resolutions.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Pyle and carried unanimously, [Resolution No. 73357](#), entitled: “A Resolution of the Council of the City of San José Approving a Non-Exclusive Standard Form Agreement for Placement of Telecommunications Equipment on Multiple Sites Owned by the City and Authorizing the City Manager to Execute such Non-Exclusive Property Use Agreement if Submitted for Execution Without Substantive Amendment” and [Resolution No. 73358](#), entitled: “A Resolution of the Council of the City of San José Approving a Revised Rate Schedule for Placement of Telecommunications Equipment on City Property, to Include Single Site and Multi Site Fees, Annual Fee Increases of 4% or the Annual Increase of the Consumer Price Index, Whichever is Greater and a 20% Discount in Rates for Multiple Sites”, were adopted. (10-0-1. Absent: Cortese.)

**END OF CONSENT CALENDAR**

## **STRATEGIC SUPPORT SERVICES**

### **3.2 Report of the Rules Committee – August 9, 2006 Vice Mayor Chavez, Chair**

Documents Filed: The Rules Committee Report dated August 9, 2006.

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review August 22, 2006 Draft City Council Agenda
    - (a) Adds to the August 22, 2006 Draft City Council Agenda

The Committee approved the August 22, 2006 Draft City Council Agenda with one addition.

- (2) Add New Items to August 15, 2006 City Council Agenda
  - (a) Mayor and Councilmember Requests
  - (b) Council Appointee Requests

The Committee approved the August 15, 2006 City Council Agenda with three additions.

- (3) List of Reports Outstanding

The Committee noted and filed the City Manager's Report.

- (c) Legislative Update
  - (1) State

Director of Intergovernmental Relations Betsy Shotwell, presented a brief State update and mentioned that four bills are being watched closely: SB1206, legislation regarding Redevelopment Agency Practices AB2907, Cable and Video Services SB1128, Sex Offenders and AB2223, Annexation of Unincorporated pockets.

- (2) Federal - No Report.

- (d) Meeting Schedules
  - (1) Approval to set a Joint City/County Meeting for August 31, 2006, 10:00 a.m. to 12:00 Noon in the Council Chambers. Attachment: Memorandum from Assistant to the City Manager Nadine Nader, dated August 3, 2006, recommending approval to set a Joint City-County Meeting.

The Committee approved the meeting schedule.

**3.2 Report of the Rules Committee – August 9, 2006 (Cont'd.)**  
**Vice Mayor Chavez, Chair**

- (e) The Public Record. Attachment: Memorandum from City Clerk Lee Price, dated August 1, 2006, transmitting items for Public Record and Administration for the period of July 26 – August 1, 2006.

The Committee noted and filed the Public Record.

- (f) Appointments to Boards, Commissions and Committees - There were none.

- (g) Rules Committee Reviews, Recommendations and Approvals

- (1) Approve Council Committee Work Plans

- (a) All Children Achieve Committee. Attachment: Memorandum from Mayor Gonzales and Council Member Yeager, dated August 7, 2006, recommending approval of the work plan.

- (b) Building Strong Neighborhoods Committee. Attachment: Memorandum from Mayor Gonzales and Council Member Chirco, dated August 7, 2006, recommending approval of the work plan.  
(Deferred from 6/21/06 and 8/2/06)

The Committee approved the Work Plans.

- (h) Review of Significant Public Records Act Requests

- (1) Accept staff information report on the American Civil Liberties Union Public Records Request. Attachment: Memorandum from Chief of Police Robert L. Davis, dated August 3, 2006, recommending acceptance of report.

The Committee accepted Staff's response and recommended that this item be forwarded for Council discussion in two weeks.

- (i) Review of Council Policy Updates per Sunshine Reforms. Attachment: Memorandum from Chief of Police Robert L. Davis, dated August 17, 2006, forwarding ACLU Public Records Request.

There were none.

- (j) Open Forum - There were none.

- (k) Adjournment - The meeting was adjourned at 2:50 p.m.

Upon motion by Vice Mayor Chavez, seconded by Council Member Williams and carried unanimously, the Rules Committee Report and the actions of August 9, 2006, were accepted. (10-0-1. Absent: Cortese.)

- 3.4 Approval of an ordinance amending Title 12 of the San José Municipal Code to require Council Members to regularly disclose any outside compensatory activities and the nature of such activities. (City Attorney)**

Action: Deferred to August 29, 2006.

## **COMMUNITY & ECONOMIC DEVELOPMENT**

- 4.3 (a) Acceptance of the San José HP Pavilion Study Advertising Plan.**  
**(b) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with San José Arena Management to place Comerica naming revenue in the approximate amount of \$175,000 per year in an account dedicated to:**
- (1) Analysis and planning for the enhancement of the Arena as per the “Applicable Standard”;**
  - (2) The identification of improvements necessary to accommodate an NBA franchise; and**
  - (3) Devote the balance of funds not expended under (1) & (2) above to upgrade the Arena through the early establishment of the Enhancement Fund provided for in the Arena Management Agreement.**

**CEQA: Not a Project. (City Manager’s Office)**

Documents Filed: Memorandum from Deputy City Manager Dan McFadden, dated August 2, 2006, acceptance of advertising plan and adoption of a resolution.

Public Comment: Don Gracnek (Sharks) spoke in favor. William Garbett spoke in opposition. Ross Signornino suggested the use of rubber mats to reduce injury.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos and carried unanimously, the advertising plan was accepted and [Resolution No. 73359](#), entitled: “A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with San José Arena Management LLC Regarding Naming Revenue Received from Comerica for the HP Pavilion Club Area”, was adopted. (10-0-1. Absent: Cortese.)

## **TRANSPORTATION & AVIATION SERVICES**

- 6.2 Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the contract for Arts Infrastructure Team, Gorbet + Banerjee to increase the scope of work for the Mineta San José International Airport Arts Activation Project to include the Terminal Area Improvement Program, and increase the contract amount by \$105,000 from \$250,000 to a not to exceed amount of \$355,000. CEQA: Resolution Nos. 67380 and 71451, PP05-207. (Economic Development)**

## 6.2 (Cont'd.)

Documents Filed: (1) Memorandum from Director of Office of Economic Development Paul Krutko, dated August 15, 2006, recommending adoption of a resolution. (2) Supplemental memorandum from Director of Office of Economic Development Paul Krutko and Director of Aviation William F. Sherry, dated August 21, 2006, recommending amendment of the design agreement.

Public Comment: Steve McCray (San José Arts Commission) spoke in favor of the Staff recommendation.

Action: Upon motion by Council Member Williams, seconded by Council Member Pyle and carried unanimously, [Resolution No. 73360](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute a Second Amendment to the Agreement with Gorbet & Banerjee, Inc. for the Norman Y. Mineta San José International Airport Arts Activation Project", was adopted. (11-0.)

## PUBLIC SAFETY SERVICES

- 8.1 Report on bids and approval of the purchase of two tractor drawn aerial ladder fire trucks from Emergency Vehicle Group, Inc., from the low bidder, in an amount not to exceed \$1,696,361.94 and authorize the Director of Finance to execute the purchase order. CEQA: Not a Project. (Finance)**

Documents Filed: Memorandum from Director of Finance Scott P. Johnson, dated August 2, 2006, recommending approval of the purchase.

Action: Upon motion by Vice Mayor Chavez, seconded by Council Member Campos and carried unanimously, the purchase was approved. (11-0.)

- 8.2 Adoption of a resolution determining that the public interest and necessity require the acquisition of a portion of a parcel currently improved with a vacant commercial building, for purposes of relocating and constructing a new facility for Fire Station 19 at the corner of Piedmont and Sierra Roads, from the owner, Piedmont and Sierra Road Plaza, LLC, A California Limited Liability Company ("Owner") and located at 1275 Piedmont Road, San José, CA 95132 (APN No. 591-14-052) and authorizing the City Attorney to file suit in eminent domain to acquire such property interest, to apply for an order for possession before judgment, and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available. CEQA: Exempt, PP06-116. Council District 4. (Public Works)**

Documents Filed: Memorandum from Director of Public Works Katy Allen, dated August 2, 2006, recommending adoption of a resolution.



## 8.2 (Cont'd.)

Action: Upon motion by Council Member Reed, seconded by Council Member LeZotte and carried unanimously, [Resolution No. 73361](#), entitled “A Resolution of the Council of the City of San José Making Certain Findings and Determinations Relating to the Exercise of the Power of Eminent Domain Pursuant to Article 2, Chapter 4, Title 7 of Part 3 of the California Code of Civil Procedure for the Following Project: The Acquisition of a Portion of Real Property for the Purposes of Relocating Fire Station 19 to the Southwest Corner of Piedmont and Sierra Roads, on a Portion Land Owned by Piedmont and Sierra Road Plaza, LLC, a California Limited Liability Company Located at 1275 Piedmont Road, San José, California 95312 (APN 591-14-052) (Portion); and Authorizing and Empowering the City Attorney to File Suit in Eminent Domain to Acquire Such Property Interest, To Apply for an Order of Possession Before Judgment, and to Prosecute Said Action to Final Judgment; and Authorizing the Deposit of Money in the State Treasury Condemnation Fund for Possession of Said Property from the Funds Lawfully Available Therefore”, was adopted. (11-0.)

## ENVIRONMENTAL & UTILITY SERVICES

- 7.1 (a) **Adoption of resolutions authorizing the Director of Finance to negotiate and execute agreements with:**
- (1) **Norcal Waste Systems, Inc., for single-family residential Solid Waste Services and Recycling Services in Districts A and C for a two-year term from July 1, 2007, through June 30, 2009.**
  - (2) **GreenWaste Recovery, Inc., for Yard Trimmings and Residential Street Sweeping Services in District C for a six-year term from July 1, 2007, through June 30, 2013; and**
- (b) **Direction to the Administration to report back to Council within 60 days on a procurement strategy for Solid Waste and Recycling Services for Districts A and C commencing July 1, 2009.**
- (c) **Direction to staff to prepare any public notices and reports required to prepare for the necessary single-family rate increase of 25 percent in Fiscal Year 2007-08, subject to final Council action during the City’s annual budget process.**

**CEQA: Negative Declaration, File No. PP06-009. (Environmental Services/Finance)  
[Deferred from 8/15/06 – Item 7.1]**

Documents Filed: (1) Memorandum from City Attorney Richard Doyle, dated August 16, 2006, transmitting analysis of the procurement process. (2) Supplemental memorandum #1 from City Manager Les White, dated August 16, 2006, transmitting information from the Recycle Plus RFP Study Session on August 11, 2006. (3) Memoranda from City Manager Les White, both dated August 10, 2006, transmitting Final Report Recycle Plus RFP Procurement Process Review by Macias Consulting and information regarding Norcal and CWS. (4) Supplemental Memorandum from City Manager Les White, dated

## 7.1 (Cont'd.)

August 16, 2006, transmitting information from the Recycle Plus RFP Study Session on August 11, 2006. (5) Supplemental memorandum #3 from Director of Environmental Services John Stufflebean and Director of Finance Scott P. Johnson, dated August 17, 2006, transmitting information from the Recycle Plus RFP Study Session on August 11, 2006. (6) Supplemental Memorandum #4 from Director of Finance Scott P. Johnson, dated August 17, 2006, transmitting information from the Recycle Plus RFP Study Session on August 11, 2006. (7) Memorandum from City Auditor Gerald A. Silva, dated August 2, 2006, City Auditor Review of Recycle Plus RFP. (8) Memorandum from Director of Finance Scott P. Johnson and Director of Environmental Services John Stufflebean, dated August 1, 2006, recommending adopting a resolution. (9) Supplemental memorandum from Director of Environmental Services John Stufflebean, dated August 3, 2006, clarifying and correcting errors in Green Waste's proposed costs. (10) Staff presentation dated August 22, 2006. (11) Letter from BFI's District Manager Norm Christensen, dated August 8, 2006, regarding Residential Recyclables Processing Option. (12) Memorandum from President of California Waste Solutions David Duong, dated August 9, 2006, summary report of key issues and request for consideration for bid approval (13) Memorandum from President of Garden City Sanitation, Inc. Louie Pellegrini, dated August 14, 2006, responding to question raised by Council Member Cortese. (14) Memorandum from of City of South San Francisco's City Manager Barry M. Nagel, dated August 14, 2006, recommending South San Francisco Scavenger Company (15) Letter from General Manager Mark Arsenault, dated August 21, 2006, clarifying Norcal's letter of August 17, 2006. (16) Correspondence received August 22, 2006, from individuals of the public providing their comments.

Mayor Gonzales recused himself from participating on this item do to a potential conflict of interest.

City Manager Les White presented an overview of the response to the City Council Study Session Questions. Lou Garcia, Consultant, presented the Recycle Plus RFP for the City of San José. Barbara Stevens, Ecodata, Consultant, presented an outline of Solid Waste Services. Director of Environmental Services John Stufflebean concluded the presentation with the alternatives.

Motion: Council Member Yeager moved approval of the following alternative recommendations: Approval of actions related to Recycle Plus Program Services. (a) Adoption of a resolution authorizing the Director of Finance to negotiate agreements with: (1) California Waste Solutions, Inc., for single-family residential Recycling Services in Districts A and C, commencing July 1, 2007; (2) Garden City Sanitation, Inc., for single-family residential Solid Waste Services in Districts A and C, commencing July 1, 2007. (b) Direction to staff to explore the possibility of an extended contract term in their negotiations with Garden City Sanitation and California Waste Solutions, in the interests of securing the best deal possible for ratepayers. (c) Adoption of a resolution authorizing the Director of Finance to negotiate and execute agreements with

## 7.1 (Cont'd.)

GreenWaste Recovery, Inc. for Yard Trimmings and Residential Street Sweeping Services in District C for a six-year term from July 1, 2007, through June 30, 2013. (d) Request the City Manager to identify the appropriate Council Committee to review and develop policy initiatives related to Solid Waste Management and work with the Committee Chair to incorporate discussion of pertinent items within their annual work plan as appropriate. Council Member Nguyen seconded the motion. (10-01. Disqualified: Gonzales.)

Discussion ensued.

Public Comments: Speaking in favor of the Staff's recommendations to award to Norcal: Larry Daugherty, President of Teamsters Union, Stacie Arnold, Route Supervisor, Norcal, Mosie Hill, Operations Manager, Norcal and Mark Arsenault, General Manager, Norcal.

Speaking in favor of the motion on the floor: Queenie Ngo (Phu Nu Cali Magazine), Vivian Truonggia (Viet Tribune), Trunh Pham, Ruth Lin, Kathy Neal, Paul Rottenberg, Larry Sweetser, Richard Norris, David Duong, Treva Reid (California Waste Solutions), Do Chau, Anh Nguyen, Chan Nguyen, Thanh Phuong, Dang Phuoc, Khoi Tran, Minh Lam, Ryan Hubris (Hubris Consulting), Sonny Pham (No. California Vietnamese Association), Michelle Mai, Bryan Do, Debbie Nghiem, George Gitschel (Rose Waste Systems, Inc.), Thiennam Tonthat, Quyen Vuong (International Children Assistant Network), Bob Hines (San José Silicon Valley Chamber of Commerce), Bev Jackson (Rebuilding Together Silicon Valley, Joseph Nguyen, Thomas Nguyen, Kent Kenny, Steve Jones, Louis Pelegrini (Garden City Sanitation), Philip Nguyen (Southeast Asian Community Center), Ami Nguyen (IRCC, Inc.), Joe Sloan (Sloan Vazquez, LLC), Ross Signorino and Ken Etherington.

William Garbett complained he has not received garbage pickup service at his home.

Council Member Yeager amended his motion to include: grant to the City Manager the authority to negotiate major aspects of the Memorandums of Understanding and to return to Council for approval; and authorize the City Manager to explore with Norcal the possibility if the other two contractors are not ready by July 1, 2007. Council Member Nguyen accepted the amendment.

With the exception of Council Member Cortese, each Council Member disclosed that either they or a member of their staff had met with at least one of the following: Green Team, CWS, Norcal, Garden City or Teamsters.

Action: On a call for the question, the motion carried unanimously and [Resolution No. 73362](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate Memorandums of Agreement with California Waste Solutions, Inc. and Garden City Sanitation, Inc., for Recycle Plus Program Services" and

## 7.1 (Cont'd.)

[Resolution No. 73363](#), entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Negotiate and Execute an Agreement with Greenwaste Recovery, Inc. for Recycle Plus Program Services", were adopted, and the Council approved the following: (1) Strict performance measures that will be monitored on an ongoing basis, including minimizing contaminated recyclables and increasing diversion rate. (2) Fair costs to taxpayers, guarding against any potential rate increases over the life of the contract. (3) Service enhancements over the life of the contract, including increased programs for the disposal of bulky goods and appliances, increased street sweeping and ensuring that recyclables are not contaminated by waste. City Manager to bring this item back to Council. (4) Each contractor must be held to clear deadlines throughout the mobilization phase. (5) The City Manager shall provide adequate on-site inspection and develop performance standards to ensure compliance with the provisions of the executed contract. Council also authorized the City Manager to negotiate major aspects of the Memorandums of Understanding and to return to Council for approval; and authorize the City Manager to explore with Norcal the possibility if the other two contractors are not ready by July 1, 2007. (10-0-1. Disqualified: Gonzales.)

### NOTICE OF CITY ENGINEER'S PENDING DECISION ON FINAL MAPS

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>		<u>Lots/Units</u>	<u>Type</u>
9833	West side of Cypress Ave, 400 ft south of Stevens Creek Blvd	1	Mr. Mirzadegan	Abdy	5 Lots/ 4 Units	Single and Multi Family
9837	West side of Delmas Ave, 170 ft north of Dorothy Ave	6	Mr. Schatzel	Greg	11 Lots/ 10 Units	Single Family Detached

### ADJOURNMENT

The Council of the City of San José was adjourned at 5:43 p.m.

Minutes Recorded, Prepared and Respectfully Submitted by,

Lee Price, MMC  
City Clerk  
smd/8-22-06MIN

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